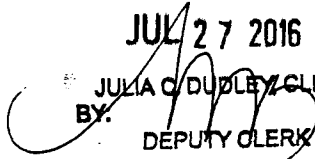


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

JUL 27 2016

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

JASON PARIS,

Plaintiff,

v.

SCOUT MEDIA, INC.,

Defendants.

Civil Action No.: 3:16-cv-00056

COMPLAINT AND JURY
DEMAND

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, JASON PARIS ("Plaintiff"), brings this complaint in the United States District Court for the Western District of Virginia against SCOUT MEDIA, INC. ("Defendant"), alleging as follows:

PARTIES

1. Plaintiff is is a United States citizen and motorsports photographer who currently resides in Indianapolis, Indiana.
2. On information and belief, Defendant is a corporation existing under the laws of the State of New York, with headquarters in New York, New York. Defendant is a digital multi-channel, male-focused video network, providing content from a team of journalists and experts throughout the United States.

JURISDICTION AND VENUE

3. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
4. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
5. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a), in that a substantial part of the acts of infringement complained of herein occurred in this District.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

6. Plaintiff is motorsports photographer. His photographs, particularly those of automobiles, are displayed and licensed worldwide on his business website, <http://www.jerhardparis.com/galleries/motorsports-2/>, Tumblr website, <http://jasonparis.tumblr.com>, and his Instagram website, https://www.instagram.com/jason_paris/.
7. Plaintiff captured the Copyrighted Photograph on May 26, 2012. The Copyrighted Photograph was first published on his Instagram and Flickr websites on May 26, 2012.
8. Plaintiff filed an application with the United States Copyright Office for copyright of the Copyrighted Photograph on May 20, 2016 (Case No.: 1-3482544301).
9. Beginning on or around August 14, 2014, Defendant copied and posted the Copyrighted Photograph on their company website, <http://www.scout.com/story/1433977-review-2015-cadillac-ats-coupe-2-0l-turbo>. The Copyrighted Photograph was used as part of an article on

the 2015 Cadillac ATS Turbo automobile, written by Michael Crenshaw, an employee of Defendant.

COUNT I

INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. §101 ET SEQ.

10. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.
11. Plaintiff is, and at all relevant times has been, the copyright owner or licensees of exclusive rights under United States copyright with respect to certain copyrighted photograph, including but not limited to “Burnout in the Circle City”, the copyrighted photograph identified in Exhibit A attached hereto, of which is the subject of a pending Certificate of Copyright Registration issued by the Register of Copyrights (“Copyrighted Photograph”).
12. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Photograph and to distribute the Copyrighted Photograph to the public.
13. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, has used the Copyrighted Photograph on Defendant’s public website, <http://www.scout.com/story/1433977-review-2015-cadillac-ats-coupe-2-0l-turbo>. In doing so, Defendant violated Plaintiff’s exclusive rights of reproduction and distribution. Defendant’s actions constitute infringement of Plaintiff’s copyrights and exclusive rights under copyright. (Exhibit B contains a copy of the Defendant’s website page displaying the Copyrighted Photograph).

14. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.
15. As a result of Defendant's infringement of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of the Copyrighted Photograph. Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

COUNT II

CONTRIBUTORY INFRINGEMENT

16. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly induced, caused, and materially contributed to copyright infringement by posting the Copyrighted Photograph on their website page immediately adjacent to the following hotlinks: Facebook ("Share on Facebook"), Twitter ("Share on Twitter").
17. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, had knowledge or reason to know of such contributory infringement.
18. As a result of Defendant's actions, Plaintiff is entitled to actual damages or such other and further relief as is just and proper. Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

COUNT III

REMOVAL AND ALTERATION OF INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION PURSUANT TO 17 U.S.C. §1202

19. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly and with the intent to conceal infringement, intentionally credited the photograph to Michael Crenshaw ("Photography by Michael Crenshaw") before displaying the Copyrighted Photograph with the accompanying article on Defendant's public website, <http://www.scout.com/story/1433977-review-2015-cadillac-ats-coupe-2-0l-turbo>. In doing so, Defendant violated 17 U.S.C. § 1202(a)(1) and (b)(1).
20. As a result of Defendant's actions, Plaintiff is entitled to actual damages or statutory damages pursuant to 17 U.S.C. § 1203(b)(3). Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

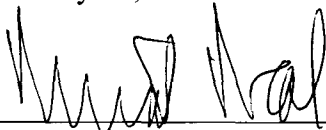
- A. Declaring that Defendant's unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, their officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;

- C. Ordering Defendant to account to Plaintiff for all gains, profits, and advantages derived by Defendant by their infringement of Plaintiff's copyright or such damages as are proper, and since Defendant intentionally infringed Plaintiff's copyright, for the maximum allowable statutory damages for each violation;
- D. Awarding Plaintiff actual and/or statutory damages for Defendant's copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 505, 17 U.S.C. § 1203(b)(3), and § 1203(b)(5); and
- F. Awarding Plaintiff such other and further relief as is just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: July 25, 2016



David C. Deal (VA Bar No.: 86005)
The Law Office of David C. Deal, P.L.C.
P.O. Box 1042
Crozet, VA 22932
434-233-2727, Telephone
888-965-8083, Facsimile
Attorney for Plaintiff